

**DURHAM, NORTH CAROLINA
MONDAY, FEBRUARY 3, 2014
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor William V. Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: None.

Also present: City Manager Thomas Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation followed by the pledge of allegiance led by Destiny Quick.

Mayor Bell showed a video on the 2013 Year-In Review and delivered the following the 12th Annual State of the City Address:

Good evening! It is my distinct pleasure to welcome you to my 12th Annual State of the City Address.

To my fellow council members, fellow elected officials, City staff, business and community leaders, and others who are present tonight – welcome and thank you for being here. Each year, I am honored by your presence and continued support.

Also, I'd like to welcome my fellow residents who are viewing us on DTV8 as well as those who are watching tonight's live stream from the City of Durham's website.

At this time each year, my job as mayor is to provide an honest assessment of the past year and look ahead to the coming year.

As we exit a long period of economic uncertainty and challenges, our great city accomplished a lot on many different fronts; from downtown and neighborhood development to maintaining our strong financial standing, there's no doubt that a lot remains to be done.

Continuing to fight crime and its underlying social causes remain high on the City's agenda. Hand-in-hand with that goal is something that Durham, as perhaps one of the most diverse cities in this state, has to intentionally strengthen—which is **relationship building** — thereby strengthening trust between government and different communities within our city.

But before I go on, I'd like to get us started by continuing our tradition of looking back at the year before – by looking at our accomplishments, our accolades, at how we all worked together to achieve our mission to make Durham a great place to live, work and play.

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In fact, some may have thought that with shrinking resources and efforts to do more with less, our goal might have seemed a **mission impossible**.

As you view this short video, you'll see that our 2013 charge to take our great city to the next level proved to be a "**Mission Possible**."

"Durham – Mission Possible – 2013 YEAR IN REVIEW"

I'd like to take just a quick moment to thank the Office of Public Affairs for giving us look back at many of the highlights of last year.

So much of what we accomplished was the result of a successful partnership and relationship between City Council, City staff, led by City Manager Tom Bonfield, and our remarkable community.

Two years ago the City Council, working with City staff, established five strategic goals to guide us as we serve the residents of Durham. They are:

- Strong & Diverse Economy
- **Safe & Secure Community**
- **Thriving, Livable Neighborhoods**
- Well-Managed City
- Stewardship of City's Physical Assets

While all of the goals are important to ensure that Durham is a city that we all are proud of, one of the issues that has a very high priority for me is embodied in the strategic goal "**Safe & Secure Community**."

This involves working to continue the reduction of crime, particularly violent crime (e.g. aggravated assault, rape, robbery, and homicides).

We, as a community, and law enforcement have made progress in reducing crime in our city, and while violent crime is down by 5.6 percent compared to 2012 – property crime, which includes, burglary, larceny, and theft, is up nearly 6 percent.

Both categories combine to drive our overall crime up by 4.3 percent since 2012.

I continue to call on the community to work together with the police department to not only reduce crimes in the coming year, but to also solve them.

I am of the opinion that, for us to be a truly great city we have to do more to reduce crime and enhance our feelings of safety in our communities.

Another issue that is a very high priority for me is reflected in the strategic goal "**Thriving and Livable Neighborhoods**."

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Increasing the amount of affordable housing and continued neighborhood revitalization efforts, particularly in those neighborhoods that have been depressed for long periods of time, is a very important issue for Durham.

I continue to believe that **“Strong Neighborhoods Make a Strong City”** and contribute greatly to the quality of life in Durham.

In a way, those two Strategic Goals – a **Safe and Secure Community** and **Thriving, Livable Neighborhoods** are interconnected. The one issue that connects the two strategic goals, but also differentiates them is: **the level of poverty or the absence of poverty** within a neighborhood.

The presence of poverty is not a justification for crime, but its presence and the accompanying deficits – in education, job training, jobs, poor healthcare, and lack of access to services – are all contributing factors to the level of crime.

Poverty and its contributing attributes, also help determine whether or not we have a **“Safe and Secure Community”** and **“Thriving, Livable Neighborhoods.”**

Our city is great, and as you have seen from our earlier video, **“Great things are indeed happening in Durham.”**

The **“State of our City”** is good, but **it can be better**. By working together, focusing and addressing some of our key challenges, we can make it a much better city for those who live here, for those who visit, and for those newcomers who may choose to make Durham their home.

A key challenge that we must undertake to make our city even greater is to work to **reduce poverty in Durham**.

Today, I am proposing that we – as a City Council, City Administration, and residents of Durham – accept that challenge, and make it a key priority to **“Reduce Poverty in our City, Neighborhood-by-Neighborhood, Year-by-Year starting in 2014.”**

You might ask, “Why focus on poverty now?”

You may be aware that 50 years ago, President Lyndon Johnson declared a war on poverty, and in North Carolina, Governor Terry Sanford created the North Carolina Fund to create economic opportunity for people living in poverty.

Although some progress has been made, by many accounts, nationally and locally, it’s a war on which we’ve lost focus, with more people living in poverty than just 10 years ago.

Secondly, here in Durham, we have focused a lot of effort on our downtown revitalization over the past 12 years with many great results.

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Public-private partnerships have resulted in increased overall investment in downtown, with construction and revitalization well underway. The success of DPAC is an example that can't go unmentioned.

And, two years ago, we dedicated a penny for affordable housing, enabling the transformation of the once depressed Southside and Rolling Hills area into housing for people of various income levels and serving as a source of revenue for further efforts to provide affordable housing.

We are making progress on areas in which we have intentionally focused our combined efforts. We, as a city, have made significant progress, creating a “**can do**” attitude on the whole for our city.

Now is the time to take those same steps that we have used to move our great city forward to address those among us who have the least.

Let me share some national facts with you – some of which may even surprise you.

According to the “Center for Law and Social Policy” (CLASP) and the new Census data, almost one in five U.S. children are poor, which is almost 22 percent.

In 2012, over 16 million children in the U.S. were living in poverty.

According to the official measure, poverty is defined as living in families with income under \$19,090 for a family of three.

- Children are more likely than adults to be poor.
- Children under age three have the highest poverty rates with potentially lasting consequences for education, health, and other key outcomes.
- Racial and ethnic minority children are disproportionately poor.
- Child poverty is linked to negative child and adult outcomes.
- Many children in poverty have working parents.

Those were national statistics and facts, but did you know that poverty affects approximately 20 percent of people who live in Durham?

That's nearly one in every five people, who are either homeless, cannot afford adequate housing, or are paying more than 30 percent of their income on housing, making them choose between food for their children, transportation to get to their job, and paying for other basic necessities, like medicine.

These are choices no one should have to make in our society, especially in Durham.

Let's take a closer look: According to a 2013 study by the UNC Poverty Center, many of our poor neighbors live in areas that are just blocks from the most prosperous areas of our city.

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In certain parts of east Durham, which has been an area of focus for both the City and the County, the poverty rate is even higher...just travel down Dillard and Pettigrew streets, identified by the Census as Tract 11. The poverty rate is 37.5 percent.

Travel east to Census Tract 10.01 – to the neighborhoods around Holton Career and Resource Center near East Durham Park – the overall poverty rate is 44.1 percent, with an overwhelming 63 percent of children living in poverty.

And it gets even worse, as you travel south to Census Tract 14.00 the areas around Grant Park and Durham Technical Community College, where over half of the residents live in poverty, including nearly 8-in-10 children.

Now don't get me wrong. **I'm not saying** that poverty is exclusive to Durham. Look at the ranking of leading cities in North Carolina, according to *USA.Com Durham, NC historical Poverty Level Data* and *ACS 2010 Data*:

- Durham population in Poverty: 46,167 (21.03%)
- 17.49% of NC in poverty
- 15.33% of U.S. in poverty

- Durham Families in Poverty: 7,831 (14.67%)
- 13.30% NC families in poverty
- 11.26% U.S. families in poverty

Durham's poverty rate ranked at 21.03%, which is 6th in State population in poverty (total population: 229,029)

- 1st Greenville (27.8%)
- 2nd Wilmington (26.9%)
- 3rd Gastonia (26.3%)
- 4th Asheville (21.4%)
- 5th High Point (21.3%)
- 6th Durham ranked (21.03%)
- 7th Greensboro (20.1%)
- 8th Winston-Salem (19.8%)
- 9th Raleigh (18.4%)
- 10th Fayetteville (17.7%)
- 11th Charlotte (17.2%)

What I am saying is that it is time that we as a community come together to do something about this affliction that directly or indirectly affects us all...as I described at the beginning of my presentation, whether it is manifested through crime, health disparities, high school dropouts, and unemployment.

It's time to stop hoping that the solution to solving or reducing poverty will occur by some wealth, which will "trickle down," or that "rising tides will raise all boats."

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In fact, the UNC Poverty Center showed that just the opposite is happening. People living in many of the neighborhoods pointed out tonight, are experiencing higher poverty rates, especially children, than they were just 10 years ago.

We as a city and county are rich in many resources. We live in a great place in this state and this country; we have great universities, home to the RTP, many talented persons, a city classified as a creative city, with many entrepreneurs, innovators, and more.

We must find a way to harness those many resources to focus or target the reduction in poverty in our community.

Fortunately, some leaders in our faith community took the lead last year, to take some specific action steps to reduce poverty in our community.

One major priority that they have taken is to develop **intentional relationships across the lines of privilege and poverty at all income levels.**

A plan for **“Reducing Poverty Neighborhood-by-Neighborhood and Year-by-Year”** must incorporate specific actions. I’d like to ask the Reverend Mel Williams and Camryn Smith to stand.

Some of you may remember Mel as the former pastor of Watts Street Baptist Church, but he is also the coordinator of **“End Poverty Durham.”**

This organization is helping to lead the way by putting a laser-like focus on how we as a community can work together to reduce poverty.

Key among their approaches is to develop **intentional relationships across lines of privilege and poverty.**

Working with him to do that is Camryn Smith who coordinates a project called **Relationships Equipping Allies and Leaders**, or REAL Durham.

Here’s how it works. Starting in March, REAL Durham will match individuals or families in poverty with four volunteers who offer not only friendship and understanding, but other important resources, such as access to financial planning, job training and interview skills, finding safe and affordable housing and healthcare options...the essentials needed to step out of poverty.

This program is modeled on the National Circles Campaign, which has seen measurable success in the lives of the people they’ve touched since 2008.

I and many others believe this program has real promise.

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Another organization that is focusing on steering our young people in the right direction for gainful employment is a program by Manpower Development Corporation (MDC) called, **“Made in Durham.”**

This program is chaired by Dr. Victor Dzau, chancellor for Health Affairs at Duke University and president and CEO of the Duke University Health System, and consists of Durham’s top public, business, and community leaders, such as NCCU Chancellor Debra Saunders-White and our own City Manager Tom Bonfield.

Before I speak more about **Made In Durham**, let me share a few national facts provided by the Center for Law and Social Policy (CLASP):

- The high unemployment situation of black males has been persistent and historically intractable.
It has endured for decades. Work opportunities for black male teens have all but disappeared.
- The “great recession” dealt a knock-out blow to young black men.
- Black males, as well as Hispanic males, are over-represented in low-wage jobs and under-represented in professional and management jobs.
- Despite substantive education gains since 1970 in high school completion and college enrollment for young black males, they still lag substantially behind their white male counterparts in educational attainment.

The criminal justice system is delivering a crippling blow to the employment prospects for young black men. Consider this:

- Black men 18 and 19 years of age were imprisoned at more than nine times the rate of white men.
- Black men 20 to 24 years of age were imprisoned at more than seven times the rate of white men.
- When surveyed, 60 percent of employers indicated they would not hire an ex-offender.
- Studies show that increased availability and accessibility of criminal background data is associated with worse labor market outcomes for ex-offenders.

Now while all of the facts given by CLASP may not be the same for Durham, I suspect that to a certain extent it mirrors Durham.

While the CLASP study focused on the plight of Black and Hispanic males, **“Made In Durham”** is a program that is gender and ethnic neutral.

But because Durham mirrors many of the statistics cited by CLASP, that is why it is important that the program **“Made In Durham”** be a success. It is known that only about half of Durham’s youth will complete high school, go to college, and get a job by the time they are 25 years old.

Moreover, many will struggle in the process, and some will not make it at all. There are now between 4,500 and 6,000 disconnected youth — enough to fill four Durham high schools — who are either at significant risk of dropping out of high school, or who are not pursuing any education, training, or employment.

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All of them have talent and the aspiration for a better life. Together, they represent a source of workforce skills, civic participation, and taxpayer revenue that Durham can ill afford to waste.

Made in Durham seeks to mobilize Durham's top public, business, and community leaders to help lead an education-to-career system through the creation of a formal partnership.

The **Made In Durham** program is important. If our young people are not able to acquire the necessary training for the jobs in our community, they may very well become a part of the jobless or unemployed, which may result in a life of poverty, acquiring all of the other attributes that come with living in poverty.

Located in one of the distressed Census Tracts mentioned earlier, the East Durham Children's Initiative (EDCI) is an example a public-private partnership working to prepare children to succeed in school and in life.

Under the leadership of David Reese and Barker French, this organization identifies barriers, from birth through high school, which can prevent people in poverty from succeeding.

I'd like to recognize David Reese, President and CEO of EDCI, and Barker French, who serves as Chairman of the Board.

With them tonight are Miss Bass and her grandson. She is raising her grandson, who attends Y.E. Smith Elementary School, and although they are a family of low wealth, she is taking the necessary steps to help her grandson see that there is another path – out of poverty – for him. Miss Bass is engaged in his school, in the community, and with EDCI. I'd like to thank them – as well as other members of the EDCI Board (Ted Fiske and Bill Shore) for being with us tonight.

As Mayor, I want to use the "Office of the Mayor" to raise the visibility of **poverty in Durham**.

For some people, poverty is hidden in plain sight; others see poverty and do not acknowledge that it exists or that it affects them; some feel poverty and live in poverty every day, and some are just not aware of the extent of poverty in Durham.

If, in fact, we are going to work to reduce poverty it is important that we develop specific benchmarks for the reduction of poverty within targeted neighborhoods.

The State, through its Healthy North Carolina 2020 project, has set a goal of reducing the poverty rate in the state to 12.5 percent by 2020.

And the County's Public Health Department and Partnership for a Healthy Durham are working together to help reach that goal in Durham. **Durham County Public Health Director Gayle Harris is with us here tonight.** I'd like to thank her for all that she does to improve the lives of Durham residents.

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Just as the City and County have been working together on specific areas of their respective strategic plan goals, I want to encourage the City, County and partner organizations to work together to achieve **this goal of reducing poverty.**

As a city, we must work in partnership with existing efforts by the non-profits, private sector and County government. Those sectors worked together when we were revitalizing downtown, and we should be able to work together to reduce poverty in our community.

We must utilize and better prioritize existing financial resources – this is not a call at this time for more financial resources, but a call for better collaboration and coordination of existing resources.

Strengthening partnership efforts building on what has already been started by our faith community.

In closing, I am reminded of the recent Sunday sermon on January 19, 2014 delivered by Johnathan Wilson-Hartgrove during Watts Street Baptist Church's Martin Luther King, Jr. service.

Jonathan spoke about the actions of Rev. King in his civil rights efforts and his call for collective action during the Montgomery Bus Boycott.

The Mayor, the City Council, the City Administration have no monopoly on solutions to reduce poverty in Durham. It will take **collective action** by all in Durham, who have a concern about the level of poverty in Durham.

Tonight, I am calling on all of us to begin to take that collective action toward **"Reducing Poverty in Durham Neighborhood-by-Neighborhood, Year-by-Year."**

This road to reducing poverty will not be an easy road. It will be a road of endurance and time. The achievements will not be readily seen or felt by many. It will not be analogous to the revitalization of a neighborhood or revitalization of downtown Durham where we can see the physical transformations take place with the ongoing construction that eventually gets completed and results in a finished product.

Our focus is people who live in poverty and for many, through no fault of their own, who have been in poverty for many years.

The road out of poverty for many does not happen overnight, and many roadblocks have to be overcome. It is not a road to be travelled alone. People in poverty will have to be willing to travel that road in partnership, acting collectively with those who are willing to assist in that journey.

But, I remain convinced that if we as a community have the will and determination, **and**, if it can be done anywhere, **reducing poverty** can be accomplished in Durham, where great things **can and do** happen.

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In the coming months I will be calling together community leaders, people in poverty, and organizations to help develop an overall plan and roadmap with benchmarks to meet the challenge.

Thanks for your time and patience.

DURHAM, let us **move forward together** to achieve the goal of “**Reducing Poverty in Durham, Neighborhood-by-Neighborhood, Year-by-Year starting in 2014.**

Thank you and God Bless Durham and God Bless America.

[Recessed to 7:44 p.m.]

Council Member Moffitt read a proclamation declaring February 2014 as Human Relations Month presented to the Chair and Vice Chair of the Human Relations Commission and Human Relations Manager Delilah Donaldson who made comments.

Mayor Pro Tempore Cole-McFadden read a Resolution Memorializing Joseph William Anderson Becton, Jr. that was presented to his wife, Edna Raye Becton, who thanked Council for the resolution.

Mayor Bell asked for priority items by the City Manager, City Attorney and City Clerk. City Manager Bonfield asked Council to refer Consent Agenda Item # 5 [Main Street Bridge Replacement - Water Line Utility Agreement With North Carolina Department of Transportation] back to the administration.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to accept the City Manager’s priority item was approved at 7:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

There were no priority items by the City Attorney and City Clerk.

Mayor Bell explained that the Consent Agenda is approved with a single motion and items pulled from that agenda by any citizen or council member will be discussed at the end of the agenda. No items were pulled from the Consent Agenda.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the Consent Agenda was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

[CONSENT AGENDA]

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SUBJECT: STREET AND INFRASTRUCTURE ACCEPTANCES

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to accept the streets and associated infrastructure for maintenance by the City of Durham was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Page Road Business Park (served by Durham County sewer)

- 1) Crown Parkway – from the west curb line of Page Road northwest to the end of construction @ STA 20+56.97 (1,017') and
- 2) Jessip Street – from the centerline of Crown Parkway west to the end of construction @ STA 23+59 (1,359').

Brier Village – PH 1 & 3 (served by Durham County sewer)

- 1) Evanston Avenue –from the west curb line of Page Road west then south to the north curb line of T W Alexander Drive (1,674') and
- 2) Westgrove Court – from the centerline of Evanston Avenue south then west through the cul-de-sac (1,841') and
- 3) Vickery Hill Court – from the centerline of Westgrove Court south then west to the centerline of Westgrove Court (368').

Crestfield

- 1) Kings Cross Lane – from the centerline of Cook Road east through the cul-de-sac (343') and
- 2) Piccadilly Court – from the centerline of Kings Cross Lane south then east through the cul-de-sac (701').

Crestfield – Additional Infrastructure Limits

- 1) Sanitary Sewer Outfall – from the end of Kings Cross Lane eastward to the existing sanitary sewer outfall line (191') and
- 2) 12" Water Line Extension – along Cook Road from north of Southwest Drive north then northwest to the existing water main @ STA 19+30 (745').

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SUBJECT: AMENDMENT TO THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION GRANT PROJECT ORDINANCE #14534

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to accept the SAMHSA grant as a sub-recipient through Alliance Behavioral Healthcare by adopting the amended FY13-14 Grant Project Ordinance in the amount of \$10,000.00; and

To adopt the City of Durham Employment and Training Grant Project Ordinance superseding Grant Project Ordinance #14534 was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Ordinance #14571

SUBJECT: APPOINTMENT AND REMOVAL OF DEPUTY FINANCE OFFICER

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a resolution to appoint Susan Sandhoff, Financial Operations Manager, as the Deputy Finance Officer and to remove Lynette McRae, Purchasing Supervisor, as the Deputy Finance Officer was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Resolution #9884

SUBJECT: RECOMMENDATION FOR MODIFICATION TO PERSONNEL ORDINANCE 42-7 ANNUAL LEAVE AND 42-8 SICK LEAVE OF CITY CODE

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt an ordinance amending City Code Sections 42-7 and 42-8 to adjust vacation and sick leave accrual rate for employees who work 40 hour per week was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Ordinance #14572

SUBJECT: MAIN STREET BRIDGE REPLACEMENT - WATER LINE UTILITY AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

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To authorize the City Manager to execute a Utility Relocation Agreement with NCDOT for the Bridge Replacement over Campus Drive project (B-3638) to assign a cost share of \$308,549.56 to the City and \$237,851.66 to NCDOT for work associated with the relocation of the City's utility lines, water line abandonment and paving.

Note: By a vote of 7/0, at the request of the City Manager, the City Council referred this item back to the administration [Public Works Department].

SUBJECT: DUKE ENERGY POWER POLE REPLACEMENT, ANGIER-DRIVER STREETScape

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute and approve payment of the invoice to Duke Energy in the amount of \$115,374.56 for the purchase of 11 decorative street lights to be installed along Angier Avenue and South Driver Street was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: LIGHT TRANSIT VEHICLE (LTV) CONVERSION - FIRST TRANSIT, INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a contract with First Transit, Inc. to convert 10 of the 2011 model hybrid electric LTVs at the cost of \$7,850 per vehicle not to exceed a total of \$78,500.00 was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN PLANNING ORGANIZATION MEMORANDUM OF UNDERSTANDING

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to approve the Memorandum of Understanding for Cooperative, Comprehensive, and Continuing Transportation Planning Between the Governor of the State of North Carolina, City of Durham, Town of Chapel Hill, Town of Carrboro, Town of Hillsborough, County of Durham, County of Orange, County of Chatham, Triangle Transit, and the North Carolina Department of Transportation was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

11. – 16. These items can be found on the General Business Agenda – Public Hearings.

The City Council disposed of the following agenda items at the January 23, 2014 Work Session:

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7. Ground Lease Agreement between CPGPI Regency Erwin and the City of Durham
(This item was referred back to the Administration – Dept. of Transportation)

To authorize the City Manager to execute a Ground Lease Agreement with CPGPI Regency Erwin, LLC for a surface parking lot on Ninth Street pursuant to the terms of the attached lease agreement that includes an initial term of 5 years at a monthly base rent rate of \$6,875.00; and

To adopt an Ordinance to Set Fees for Parking in the Ninth Street Lot.

10. Update on Activities of the Durham Convention and Visitors Bureau
(A presentation was received at the 01-23-14 Work Session)

To receive a presentation from the Durham Convention and Visitors Bureau.

17. Sean McCarthy
(Comments were received at the 01-23-14 Work Session)

To receive comments from Sean McCarthy regarding the motorists with loud mufflers and super bass stereo systems.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: CONFIRMATION OF ASSESSMENT ROLL FOR STREET PAVING ON CLOVER HILL PLACE IN DUNWOODY SUBDIVISION

To conduct a public hearing to receive comments on the Confirmation of the assessment roll for Street Paving on Clover Hill Place; and

To adopt a Resolution confirming the following assessment roll:

Street Paving on Clover Hill Place (Dunwoody Subdivision) from South Riverdale Drive to end of cul-de-sac.

Robert Joyner, of the Public Works Department, briefed Council on the staff report. He urged Council to approve assessment.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Moffitt seconded by Council Member Catotti to adopt a resolution confirming the following assessment roll was approved at 8:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

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Street Paving on Clover Hill Place (Dunwoody Subdivision) from South Riverdale Drive to end of cul-de-sac]

**SUBJECT: COMPREHENSIVE PLAN AMENDMENT - ELLIS ROAD
RESIDENTIAL (A1300008)**

To conduct a public hearing to receive public comments on the Ellis Road Residential (A1300008) Plan Amendment; and

To adopt a Resolution to Change the Future Land Use Map of the Durham Comprehensive Plan from Low Density Residential (4 DU/Acre or Less) to Low-Medium Density Residential (4-8 DU/Acre).

Recommendations: The staff recommends approval based on conditions warranting an amendment to the Future Land Use Map and the proposed land use pattern meeting the four criteria for plan amendments.

The Planning Commission recommended approval, based on information in the staff report, the applicant's justification, information heard at the public hearing and the request meeting the four criteria for plan amendments, 12-0 on December 10, 2013.

Patrick Young, of the City/County Planning Department, certified that all public hearings items on the agenda tonight from the City/County Planning Department have been properly advertised in accordance with law and affidavits are on file with the department. He briefed Council on the staff report. He stated the applicant, Teague-Hankins Development, is requesting to amend the Future Land Use Map for 15.5 acres from Low Density Residential to Low-Medium Density Residential. The site is located in the Suburban Tier on the east side of Ellis Road, north of SoHi Drive, and south of Rada Drive. He noted staff has determined that this request meets the four criteria for plan amendments outlined in the UDO, noted this request for higher density is consistent with policies in the Comprehensive Plan, and that the proposal is not out of character with the established land use pattern or with recent development trends. He stated staff recommends approval of the request and the Planning Commission recommended approval at its December 10, 2013 meeting.

Mayor Bell opened the public hearing.

Jarrold Edens, representing the applicant, spoke in support of the plan amendment. He referenced that there is an upcoming zoning case to be heard later in the meeting to allow development on Ellis Road, commented on the density and their commitment to townhomes. He stated there was no opposition at their September 3rd Neighborhood Meeting and proffered a \$500 contribution to Durham Public Schools prior to the first final plat of the project.

No one spoke against this plan amendment.

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Mayor Bell closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive public comments on the Ellis Road Residential (A1300008) Plan Amendment; and

To adopt a Resolution to Change the Future Land Use Map of the Durham Comprehensive Plan from Low Density Residential (4 DU/Acre or Less) to Low-Medium Density Residential (4-8 DU/Acre) was approved at 8:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Resolution #9885

SUBJECT: ZONING MAP CHANGE - ELLIS ROAD RESIDENTIAL (Z1300026)

To conduct a public hearing to receive comments on the zoning map change for Ellis Road Residential (Z1300026);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1300026 out of Residential Suburban – 20 (RS-20) and placing same in and establishing same as Planned Development Residential 7.341 (PDR 7.341); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, should the plan amendment be approved, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Determination: Staff determines that this request is consistent with the Comprehensive Plan, should the plan amendment be approved and other adopted policies and ordinances.

Planning Commission Recommendation and Vote: Approval 12-0 on December 10, 2013. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the plan amendment be approved, the request would be consistent with the Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

[The site is located at 1443 Ellis Road, east side of Ellis Road and south of Rada Drive, PIN 0830-01-90-4111]

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Patrick Young, of the City/County Planning Department, briefed Council on the staff report. He stated the applicant is requesting to change the zoning designation of 15.53 acres located at 1443 Ellis Road, from Residential Suburban-20 (RS-20) to Planned Development Residential 7.341. He reported that this request is consistent with the future land use designation of the Comprehensive Plan which designates the site as low medium density residential. The current zoning would allow up to 27 single-family units to be developed in the County's jurisdiction if on-site wells and wastewater systems can be accommodated. The proposed PDR 7.341 zoning would allow the development of 90 townhouse units on the site. He stated that there is a development plan associated with this request which includes a number of text and graphic commitments outlined in the staff report, including one access point off Ellis Road, cross access to the parcel to the north and one stream crossing would be permitted. Also, the applicant committed to providing additional improvements to Ellis Road to allow the accommodations of a bicycle lane. He stated that staff has determined that this request is consistent with the Comprehensive Plan and other adopted policies and ordinances and the Planning Commission recommended approval at its December 10, 2013 meeting. Finally, he stated the commitment [\$500 contribution to Durham Public Schools prior to the first final plat] made by Jarrod Edens [representing the applicant] during the discussion of the plan amendment is enforceable.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

Patrick Young, of the City/County Planning Department, explained the impact of steep slopes requested by Council Member Moffitt.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1300026 out of Residential Suburban – 20 (RS-20) and placing same in and establishing same as Planned Development Residential 7.341 (PDR 7.341); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan, should the plan amendment be approved, and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Ordinance #14573

SUBJECT: ZONING MAP CHANGE - CROASDAILE COMMONS (Z1300024)

To conduct a public hearing to receive comments on the zoning map change for Croasdaile Commons (Z1300024);

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To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1300024 out of Commercial Center (CC) and placing same in and establishing same as Commercial General with a development plan (CG(D)); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Determination: Staff determines that this request is consistent with the Comprehensive Plan and other adopted policies and ordinances.

Planning Commission Recommendation and Vote: Approval 12-0 on December 10, 2013. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

[The site is located at 1821, 1823, and 1855 Hillandale Road, between West Carver Street and Front Street, PINs 0813-08-80-7102, -7537, -7898.L00]

Patrick Young, of the City/County Planning Department, briefed Council on Zoning Case Z1300024, Croasdaile Commons which is a request to change the zoning designation of 8.8 acres located on Hillandale Road, from Commercial Center (CC) to Commercial General with a Development Plan (CG(D)). He stated this request is consistent with the future land use map which designates the site as Commercial. He reported the current CC zoning district caps the amount of office use allowed and the proposed zoning map change would allow up to 11,000 square feet of additional office. He said that this request is consistent with the Comprehensive Plan and other adopted policies and ordinances and the Planning Commission recommended approval at its December 10, 2013 meeting.

Mayor Bell opened the public hearing.

Council Member Schewel noted the lack of a bike lane on Front Street.

Patrick Young, of the City/County Planning Department, summarized the rules of practices for bike lanes.

Proponent

George Stanziale, representing the applicant, stated he was present to answer questions.

No one spoke against this zoning map change.

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Mayor Bell closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to receive comments on the zoning map change for Croasdaile Commons (Z1300024);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1300024 out of Commercial Center (CC) and placing same in and establishing same as Commercial General with a development plan (CG(D)); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 8:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Ordinance #14574

**SUBJECT: UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT -
DENSITY REVISIONS TO ARTICLE 6 (TC1200012)**

To conduct a public hearing to receive public comments on the Unified Development Ordinance Text Amendment, Density Revisions to Article 6 (TC1200012); and

To adopt an Ordinance Amending the Unified Development Ordinance incorporating revisions to Article 6, District Intensity Standards.

Recommendations: Staff recommends approval of the attached ordinance to amend density requirements within Article 6 of the Unified Development Ordinance (TC1200012). The Planning Commission recommended approval, 11-1 of the text amendment on December 10, 2013.

Michael Stock, of the City/County Planning Department, briefed Council on the text amendment request by Horvath Associates to modify certain density standards within Article 6 of the *Unified Development Ordinance* (UDO). He reported the original proposal, as indicated in the application, would have established a new roadway density bonus for the Suburban Tier, similar to the roadway density bonus already established for the Urban Tier.

He reported the Joint City-County Planning Committee discussed the proposed amendment application at their May meeting. After additional staff review, staff concluded that proposed modifications were not supportable because they could not guarantee bonuses could be applied as intended. He summarized revisions made to the application as follows:

1. Adjust current density allowances to remove fractions of dwelling units;
2. Modify the existing Residential Suburban-Multifamily (RS-M) Major Roadway Density Bonus to include frontage along service roads;

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3. Allow higher densities in the RS-M and RU-M districts, but only with approval by the governing body through rezoning with a development plan;
4. Increase the density in the Residential Compact (RC) District to maintain consistency with proposed higher densities in the RU-M District and existing densities in Design Districts; and
5. Allow the use of density bonuses for multifamily development in nonresidential districts in the Suburban and Compact Neighborhood Tiers, consistent with procedures currently utilized within the Urban Tier.

He reported all revisions are consistent with the Comprehensive Plan. He stated these revisions were presented to the Joint City/County Planning Committee for review and comment on November 6, 2013, and no changes to the draft were suggested. He stated the Planning Commission recommended approval of the text amendment at its December 10, 2013 meeting.

Mayor Bell opened the public hearing.

Ron Horvath, the applicant, explained why he took on the task of drafting this text amendment. He stated this text amendment would encourage redevelopment of properties along major thoroughfares/roadways—15/501 business and bypass, Roxboro Road. He stated that he is not asking for a rezoning change because plans with a [D] on them and higher density still will come before Council. In the general commercial zoning, he asked that the maximum residential density go to 11 rather than 10.5, that the same courtesy that is given to a RN zone--if they are along major roadways--be allowed to add one unit per acre and that the bonus be applied to both general commercial and office institutional.

Jarrold Edens spoke in favor of the text amendment stating that it makes sense.

George Stanziale made comments in favor of the text amendment. He referenced the shortage of suburban land so the whole idea of redeveloping--making and reusing buildings--adding to them and creating density--will encourage development.

Patricia Carstensen, representing the Inter-Neighborhood Council, spoke against this text amendment referencing the resolution sent to Council earlier regarding this item. She stated that they support smart density where people can walk from where they live to where you want to shop, be entertained or work, and where there is transit. She asked Council to wait until they see how density is developing in other areas before moving forward with residential parts of this proposal.

Mayor Bell closed the public hearing.

Council Member Moffitt expressed concern that this text amendment would make it more difficult to encourage affordable housing.

Michael Stock, of the City/County Planning Department, addressed Council Member Moffitt's concern. He commented on the methodology for affordable housing density bonus and that the

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methodology for affordable housing would require more than density to encourage or support affordable housing.

City/County Planning Director Steve Medlin addressed the impact of density bonuses. He reported that density bonuses currently in the Unified Development Ordinance are not workable and density alone will not drive affordable housing because there are other elements that would have to come into play. He said that staff review of this text amendment made sure that whatever is done will not work adversely to providing affordable housing through other mechanism.

Michael Stock, of the City/County Planning Department, addressed where the density bonuses apply, commented on the modification of fractions---half unit per acre and additional increases that are proposed that would have to be approved through a development plan and by Council.

For clarification, Patricia Carstensen commented that they support the non-residential part of the text amendment, but have problems with the other three components of plan amendment.

Council held discussion on impact of delaying this item to address concerns from Ms. Carstensen.

Council Member Moffitt thanked Ron Horvath, the citizens and staff for their input regarding this text amendment.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive public comments on the Unified Development Ordinance Text Amendment, Density Revisions to Article 6 (TC1200012); and

To adopt an Ordinance Amending the Unified Development Ordinance incorporating revisions to Article 6, District Intensity Standards was approved at 8:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Ordinance #14575

SUBJECT: UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT - TREE COVERAGE CALCULATIONS (TC1300002)

To conduct a public hearing to receive public comments on the Unified Development Ordinance Text Amendment, Tree Coverage Calculations (TC1300002); and

To adopt an Ordinance Amending the Unified Development Ordinance incorporating revisions to Article 8, Environmental Protection.

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Recommendations: Staff recommends approval of the attached ordinance to amend tree coverage calculation requirements of the Unified Development Ordinance (TC1300002). The Planning Commission recommended approval, 14-0 of the text amendment on November 12, 2013.

Mike Stock, of the City/County Planning Department, stated this item is a text amendment submitted by Horvath Associates to amend the method of calculating required tree coverage areas pursuant to Sec. 8.3, Tree Protection and Tree Coverage, of the *Unified Development Ordinance* (UDO). The original proposal by the applicant would remove the area within most easements and stormwater facilities from the overall development area, which is used for calculating tree coverage requirements. After review and comment by staff, the applicant revised the proposal to limit the exemption only to area within existing utility easements of record with a minimum width of 50 feet. He reported tree coverage is required in the Suburban Tier and only for residential development in the Urban Tier. No tree coverage requirements apply in the Rural, Compact Neighborhood or Downtown tiers.

The UDO currently provides tree coverage calculation exemptions for two instances:

1. Existing water bodies such as streams and ponds; and
2. Right-of-way dedications for the widening of existing right-of-way.

He stated this text amendment, as currently proposed, would only allow the exclusion of area within utility easements measuring 50 feet in width or greater. At its October meeting, the Joint City/County Planning Committee reviewed the text amendment and indicated no concerns with the proposal and the Planning Commission recommended approval at its November 12, 2013 meeting.

Mayor Bell opened the public hearing.

Ron Horvath, the applicant, commented on why he filed this text amendment. He stated that this text amendment involves large easements [power lines, gas lines, etc.] and most of those are in a 50 to 60 foot easement across a piece of property. He made comments regarding the previous UDO that permitted small plantings that the power company allowed and the current UDO that states why you cannot plant large plantings since the power company could not guaranteed them. He made comments on the two exemptions [ponds and right of way dedication for road widening] that will not allow you to do additional tree plantings. He explained that this amendment was recommended to address the concern if you can't plant trees in the easements why should you be required to use that land area as part of the calculation on how much tree coverage you need on the development site, especially the larger easements [50 feet or more]. He referenced the Del Webb project which led him to filing this text amendment. He stated that he is asking for a reasonable use of the land and urged Council to support text amendment.

Jarroed Edens spoke in support of text amendment. He commented that this text amendment would help reduce the cost of projects since tree coverage is expensive.

George Stanziale spoke in favor of this text amendment pointing out that land is extremely expensive. Also, he noted the lack of land, its condition and mentioned that there are many projects that he has dealt with that had large pieces of land with some major easements running

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across it. He commented on the housing market that is starting to roll again, but land prices are up and lots and houses are getting smaller.

Will Wilson spoke against this item stating tree coverage is not about trees, but a public health issue. He commented on why trees are so important. He urged Council to vote against this item because it will develop neighborhoods with easements that have lower tree coverage.

Bob Healy spoke in opposition to this text amendment. He stated if staff cannot address his questions, i.e. [show all the properties affected by the change on maps, whether these properties are near major streams, parks or areas identified in the Natural Heritage Inventory—how would it affect New Hope Creek, Ellerbee Creek and the Eno River] then this amendment should be referred to the Planning Commission to be analyzed, debated and considered.

Patricia Carstensen spoke against this item. She asked staff come up with a study to identify where trees coverage would be decreased significantly and to back some of the tree coverage off the power line easement due to complaints about the power company butchering trees.

John Tarantino made comments in support of this item.

Mayor Bell closed the public hearing.

The following is a brief summary to highlight discussion held by Council, the proponents, and opponents:

Council: Raised questions that were answered by staff regarding impervious surface, density, tree coverage and easements. They raised an issue that maybe the exemption was more appropriate for smaller projects where the utility encumbrance may be a greater impact upon the ability to develop a particular parcel, versus larger developments like Dell Webb that seem to be able to absorb the encumbrance of the utility easement.

Proponents: Utility easements prohibit a lot of typical development for the sake of maintenance of the utility the easement serves, for example the big power line easements prohibit much, if not all, plantings. Thus the basic argument is if you can't plant trees in the easement, why should you be required to use that land area as part of the calculation on how much tree coverage you need on the development site, especially the larger easements (50 ft. or more).

Opponents: Tree coverage is very important aspect of Durham, and that if you allow the exclusion of that land area within the easement for tree coverage calculations; you should also exclude it for impervious surface and density calculations.

Council held further discussion on continuing the public hearing to allow the applicant to work with staff to address concerns raised tonight.

The Mayor reopened the public hearing.

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MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to continue the public hearing on this item until the May 19, 2014 City Council Meeting was approved at 9:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

There being no further business to come before the City Council, the meeting was adjourned at 9:20 p.m.

Linda E. Bratcher, CMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk